

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ROBERTO ANTONIO JACKSON,)	
)	
Petitioner,)	
)	
vs.)	NO. CIV-07-316-T
)	
)	
CHARLES RAY, Warden,)	
)	
Respondent.)	

ORDER


Petitioner, a state prisoner appearing *pro se*, brought this action for a writ of habeas corpus and filed a motion for leave to proceed *in forma pauperis* with a supporting affidavit. In accordance with 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Doyle W. Argo for initial proceedings. On March 16, 2007, Judge Argo filed a Report and Recommendation in which found that petitioner has sufficient funds to prepay the filing fee of \$5; he recommended that the petitioner's motion be denied and that he be ordered to prepay the full fee before this action proceeds.

In the Report and Recommendation, Judge Argo advised petitioner of his right to object to same and scheduled an April 5, 2007 deadline for filing objections. He also advised petitioner that a failure to timely object would constitute a waiver of his right to appellate review of the factual and legal findings contained in the Report and Recommendation.

To date, petitioner has not filed an objection and has not sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 7] is adopted as though fully set

forth herein. Petitioner's motion for leave to proceed *in forma pauperis* [Doc. No. 2] is DENIED. Petitioner is directed to prepay the full filing fee of \$5 no later than May 2, 2007. Petitioner is cautioned that his failure to do so will result in dismissal of this action without prejudice. The court clerk is ordered not to forward a copy of the petition to the appropriate state agency until further order of the court.

IT IS SO ORDERED this 12th day of April, 2007.



RALPH G. THOMPSON
UNITED STATES DISTRICT JUDGE

